

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 20-36 Erie
)
CHARLES PRZYBYSZEWSKI)

SENTENCING MEMORANDUM

On May 8, 2020, the National Center for Missing and Exploited Children (NCMEC) received a complaint from Microsoft via NCMEC's CyberTip system. The complaint stated that on May 7, 2020, a user of Microsoft BingImage¹ with a specified IP address uploaded a file on BingImage which Microsoft believed to be child sexual abuse material. Microsoft identified the file as being child sexual abuse material through their PhotoDNA program, which identifies files by their hash values. In their complaint, Microsoft included the file that was uploaded to BingImage by the user with the identified IP address.

The matter was then referred to the FBI and the investigating agent reviewed the file included in the complaint from Microsoft, titled "4b84a69d-3af2-4d37-86e5-3df4d0cc6074.jpg". This file was uploaded on BingImage. The file is a digital image depicting a minor female laying on a floor with her legs spread, wearing a light blue lingerie piece covering only her stomach area, and exposing her breasts and vaginal area.

¹ BingImage (sometimes referred to as Visual Search by Microsoft) is a service that provides similar images to an image provided by the user of the service. This image can be provided by the user either via upload or as a URL (Uniform Resource Locator, colloquially termed a web address).

On May 16, 2020, NCMEC received another complaint from Microsoft via NCMEC's CyberTip system regarding the same user with the identified IP address. The complaint stated that on May 15, 2020, the same user uploaded three files on BingImage which Microsoft believed to be child sexual abuse material.

The investigating FBI agent reviewed the three files included in the May 16, 2020, complaint from Microsoft which are further described as follows:

- a) **d55a9f03-5df7-4617-8fae-2bfb293618a6.jpg:** A still image depicting a nude prepubescent female standing against a wood pole in a modeling pose, with one leg raised exposing her vaginal area.
- b) **3e56e64a-48e2-4d51-9bdf-e0a7cf2f3090.jpg:** A still image depicting a nude prepubescent female sitting on the lap of an adult male (the male's face is redacted in the image). The man's erect penis is inserted into her exposed vagina.
- c) **7ea387b8-2a5f-46f6-89ed-530d5971f88a.jpg:** A still image depicting a nude prepubescent female sitting on the lap of an adult male (the male's face is obstructed in the image) and exposing her vaginal area. The man's erect penis is inserted into the young child's exposed anus.

The FBI then received information from the Pennsylvania State Police about their efforts, working with the Pennsylvania Office of the Attorney General, to identify the BingImage user with the specified IP address. Investigators were able to determine that the implicated IP address was assigned to Charter Communications. A subpoena was then sent to Charter Communications. Charter responded to the subpoena with information that the implicated IP address, on both May 7 and 15, 2020, when the files

containing the child sexual abuse material were uploaded to BingImage, was assigned to Charles Przybyszewski living in Erie County, Pennsylvania.

Based upon this information, the FBI obtained a search warrant for Przybyszewski's residence. The search warrant was executed on July 9, 2020 resulting in the seizure of Przybyszewski's computer equipment.

Przybyszewski was interviewed by the FBI during the search. He readily admitted that he had been using his phone and laptop to search for and view child pornography for the past couple of years. Przybyszewski acknowledged using child exploitation related search terms to find child sexual abuse material, including PTHC meaning preteen hardcore. He revealed that he searches for child sexual abuse material everyday and that the last time he had done so was the day prior to FBI agents arriving at his residence with a search warrant. Przybyszewski preference was material depicting girls ten and older. Agents then showed him four images that Microsoft reported to NCMEC relative to his IP address. One of the images depicted a girl about six years of age engaged in intercourse with an adult male, the other three depicted young girls exposing their genital area. Przybyszewski acknowledged having viewed the images previously and memorialized that recognition by initialing each image.

The forensic examination of Przybyszewski's digital devices revealed the presence of hundreds of images of child sexual abuse material. His collection was significant enough that it included thirty-three previously identified victims.

In light of Przybyszewski's quick willingness to plead to an Information and accept responsibility, along with a lack of any evidence that he has ever acted out on his

horrible desires, the parties have reached a binding Rule 11(c)(1)(C) sentencing agreement to a three year term of imprisonment to be followed by ten years of supervise release.

This agreement reflects Przybyszewski's conduct and its relative place in the spectrum of other child exploitation offenders. It also reflects the horrible toll these cases have on victims. Many victims have revealed that while their sexual abuse was plainly devastating, the pain of knowing that their abuse was recorded and has been shared with literally the world via the Internet is far worse. The abuse ended at some point while the continued viewing and sharing of their abuse is endless and pervasive. Plainly, Przybyszewski's conduct was not victimless and his actions, both singularly and in connection with hordes of other like-minded offenders, continue to have a grievous impact on thousands of blameless victims.

Five identified victims have requested restitution, including the victims in the following identified series: 1) JanSocks1; 2) Marineland1; 3) Surfer Hair; 4) Sweet White Sugar, and; 5) Tara. The United States is amenable to \$3,000 in restitution to each of these victims. Przybyszewski has agreed to pay at least this amount in paragraph A3 of his plea letter.

Respectfully submitted,

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